

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**February 6, 2014**



**Planning Exception case no. PE14-01: Heritage Lakes Estates Subdivision – Phase 1**

**CASE DESCRIPTION:** a request for approval of an exception from the minimum 150-foot lot width standard of the Subdivision Ordinance (Bryan Code of Ordinances Chapter 110) required for lots of one acre or more and located in the City of Bryan's extraterritorial jurisdiction (ETJ), to allow four proposed new lots with lots widths of less than 150 feet

**LOCATION:** proposed Lot 1 in Block 1 and Lots 12, 13 and 14 in Block 3 of Heritage Lakes Estates Subdivision – Phase 1, on 45.1 acres of land adjoining the north side of Steep Hollow Road, approximately 900 feet to 1,550 feet north from its intersection with Elmo Weedon Road in Brazos County, Texas

**EXISTING LAND USE:** vacant acreage

**APPLICANT(S):** Don Kyle for Kyle Family Living Trust

**AGENT:** Joe Schultz of Schultz Engineering, LLC

**STAFF CONTACT:** Martin Zimmermann, Planning Administrator

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested exception.



## BACKGROUND:

The applicant/property owner is requesting an exception to Article IV, Section 110-79(4)b. of the Subdivision Ordinance (Bryan Code of Ordinances Chapter 110), which requires a minimum lot width of 150 feet for lots of 1 acre or more in the City's extraterritorial jurisdiction (ETJ). The request was made in order to allow for the subdivision of approximately 45 acres of land near the intersection of Steep Hollow and Elmo Weedon Roads into the first phase of a new rural residential subdivision (Heritage Lakes Estates Subdivision).

Bryan's Subdivision Ordinance defines lot width as "the shortest distance between side lot lines measured at their intersection with the front setback line" (Section 110-4). Four proposed lots in this new subdivision, specifically proposed Lot 1 in Block 1 and Lots 12, 13 and 14 in Block 3 are planned to be less than the minimum required 150 feet in width. At the minimum 25-foot front building setback line, these lots are proposed to be 110 feet, 141 feet, 121 feet and 122 feet wide, respectively.

### Proposed Preliminary Plan of Heritage Lakes Estates Subdivision – Phase 1:



The map shows three land parcels and a proposed canal system. Parcel 12, located in the upper right, is 3.25 AC. Parcel 13, in the lower right, is 2.49 AC. Parcel 14, on the left, is 1.66 AC. A proposed canal, labeled 'C7' and 'C8', is shown with a circular bend. The canal's boundary is defined by a bearing of N42° 26' 58" E and a distance of 905.52'. Other boundary measurements include 521.29', 268', 266', 270', 102.83', 95.51', 30.37', 127.86', 111.81', 547' 22" 54" E, 570', 265.52', 0' 18" E, 453.48', 00' 59" E, 613.37', 11" E, and 39'. Easements are marked, including a '40' PRIVATE DRAINAGE EASEMENT' and two '10' PUE (TYP.)' easements. The map also shows a 'PORT I.W. MENT' and a '37' measurement.

## ANALYSIS:

The Planning and Zoning Commission may authorize exceptions from standards of the Subdivision Ordinance. The Planning and Zoning Commission may authorize such exceptions when, in its opinion, compliance would not be in the public interest. In granting an exception, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable in the public interest.

In making its findings, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

No exception shall be granted unless the Planning and Zoning Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the standards would deprive the applicant of the reasonable use of the land.

**While the four lots in question are proposed to be between 28 feet and 40 feet narrower than what is minimally required by subdivision regulations, staff believes that, in this circumstance, their substandard lot width may be offset by the lots' proposed extraordinary lot depth of 330+ feet and size of 1.27 acres, 3.25 acres, 2.49 acres, and 1.66 acres, respectively. Lot 1 at the intersection of Steep Hollow Road and McCrae Lane is proposed to have 370 feet of frontage along Steep Hollow Road and will provide sufficient room for development with a new single-family home and an on-site sewage system. Lots 12, 13, and 14 are proposed at the eastern end of the new cul-de-sac street. All three lots have proposed lot depths of more than 400 feet will provide ample room for development with new single-family homes and on-site sewage systems.**

2. That the exception is necessary for the preservation and enjoyment of the property.

**Staff believes that the overall effect of reduced lot widths on 4 of the 21 lots proposed in this subdivision phase will be negligible, if at all noticeable, given the properties' extraordinary lot depth and size in excess of 1 acre. Granting the request will still allow for the development of a rural, low-density residential subdivision at this location.**

3. That the granting of the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

**Staff believes that granting the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.**

4. That the granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this Ordinance.

**Staff believes granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of the Subdivision Ordinance.**

## RECOMMENDATION:

Staff recommends **approving** the requested exception.